

Last Revised: May 23, 2011

Town of Concord

APP #34

**Disposition Of Real Property
and Other Town Supplies and Equipment**

This policy is to instruct on the rental or sale of Town facilities or real estate, or other Town property such as supplies and equipment, once said property has been declared surplus by the Town Manager.

For Rental and Sale of Real Property:

Section 40J, of Chapter 579 of the Acts of 1980 provides:

"No agreement to rent or to sell real property or to rent to purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by duly authorized officer thereof giving the two names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the Deputy Commissioner of Capital Planning and Operation".

Under the law, the definition of a public agency includes a city or town. Further, explanatory materials from the Division of Capital Planning and Operation of the Commonwealth indicate that a stockholder is not required to file if his share of the stock or trust is less than 10% of the total stock involved. This provision of the law became effective on July 1, 1981.

Attached to this Administrative Policy and Procedure, labeled Attachment A, is a disclosure statement. Town Officials who manage leases and negotiate them for submittal to the Town Manager shall ensure that a disclosure statement is completed by the lessee and submitted with the lease, rental or purchase of real property. This means principally land and buildings.

For the purposes of implementation, it shall not apply to the use of rooms on a night-by-night basis at the community centers for a fee. It does not apply to the formal leases of the tenants of the community center.

In addition, current lessees of town property who have entered into or signed a renewal of a lease after July 1, 1981 shall be required to fill out the form as soon as possible by the appropriate department head.

For Surplus Supplies and Equipment:

**Procedures for Disposal of Surplus Supplies
With an Estimated Net Value of Less Than \$5,000**

pursuant to MGL Ch. 30B, section 15(f) and
Article 52 of the 2001 Annual Town Meeting

Section 1: The term “surplus supplies” includes motor vehicles, machinery, computer equipment, furniture, scrap metal, and other materials and supplies. “Scrap” or “Surplus” materials included in this section are defined as items no longer useful to the governmental body but having resale or salvage value.

Section 2: To dispose of surplus supplies with an estimated net value of less than \$5,000, submit a memorandum from the Department Head to the Town Manager via the Budget & Purchasing Administrator seeking approval to declare the supplies to be surplus. Provide a list of the items to be disposed of and an estimated value of the items.

Section 3: After receiving the Town Manager’s approval, first offer surplus supplies to other departments within the Town and Schools.

Section 4: If the surplus supplies are not needed by any Town or School Departments, any of the additional procedures can be followed, with the intent of maximizing the return on revenue:

1. Trade-in with the purchase of equipment
2. Sell to other governmental units that are known to be interested
3. Seek quotes from 3 or more vendors
4. Post notice for sale on Town of Concord public bulletin boards
5. Recycle
6. Trash

Section 5: The Town reserves the right to accept or reject any or all offers. All sales shall be made on an “as is”, “where is” basis. All property sold shall be paid for by cash, Cashier’s Check, Certified Check or Money Order payable to the Town of Concord. The Town will furnish the successful purchaser a completely executed form, which will detail the description of the material covered, the sale price and the sale terms. Purchaser must indicate agreement by signing and returning it to the Purchasing Department.

Section 6: In no event may surplus property be sold to any Town employee.

Section 7: Notwithstanding any of the foregoing, the Town Manager is authorized by MGL Ch. 30B, section 15(g) and the vote of the Town under Article 52 of the 2001 Annual Town Meeting, to donate surplus property to a charitable organization as therein defined.

Attachment A
DISCLOSURE STATEMENT

The undersigned does hereby state, for the purpose of disclosure pursuant to Massachusetts General Laws, Chapter 7, Section 40J, of a transaction relating to real property as follows:

1) REAL PROPERTY:

2) TERM:

3) LESSOR:

4) LESSEE (BUYER):

5) Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the property as Lessee or Buyer:

NAME

RESIDENCE

6) None of the above-mentioned persons is an official elected to public office in the Commonwealth of Massachusetts.

Signed under the penalties of perjury: _____

DATE: _____